

IC 3-10-12

Chapter 12. Special Procedures for Certain Indiana Voters to Vote in the Precinct of Former Residence Under NVRA

IC 3-10-12-1

Purpose of chapter

Sec. 1. This chapter:

(1) prescribes the procedure for certain voters to cast ballots under 42 U.S.C. 1973gg-6(e)(2) in a precinct where the voter formerly resided; and

(2) is enacted to implement Article 2, Section 2(c) of the Constitution of the State of Indiana.

As added by P.L.12-1995, SEC.70. Amended by P.L.176-1999, SEC.64.

IC 3-10-12-2

Applicability of chapter

Sec. 2. This chapter applies to a general, municipal, primary, school district, and special election.

As added by P.L.12-1995, SEC.70.

IC 3-10-12-3 Version a

Failure to notify of address change; correction by affirmation

Note: This version of section amended by P.L.202-1999, SEC.18. See also following version of this section amended by P.L.176-1999, SEC.65.

Sec. 3. (a) This section applies to a voter who:

(1) changes residence from a precinct in a county to another precinct:

(A) in the same county; and

(B) in the same congressional district;

as the former precinct; and

(2) does not notify the county voter registration office of the change of address before election day.

(b) A voter described by subsection (a) may:

(1) correct the voter registration record; and

(2) vote in the precinct where the voter formerly resided;

if the voter makes an oral or a written affirmation as described in section 4 of this chapter of the voter's current residence address. However, a voter described by subsection (a) who changes residence from outside of a municipality to a location within a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election or special election held only within the municipality.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an

- appropriate location on the poll list; and
- (2) initial the affirmation.

As added by P.L.12-1995, SEC.70. Amended by P.L.3-1995, SEC.92; P.L.202-1999, SEC.18.

IC 3-10-12-3 Version b

Failure to notify of address change; correction by affirmation

Note: This version of section amended by P.L.176-1999, SEC.65. See also preceding version of this section amended by P.L.202-1999, SEC.18.

Sec. 3. (a) This section applies to a voter who:

- (1) changes residence from a precinct in a county to another precinct:

- (A) in the same county; and
 - (B) in the same congressional district;

as the former precinct; and

- (2) does not notify the county voter registration office of the change of address before election day.

(b) A voter described by subsection (a) may:

- (1) correct the voter registration record; and
- (2) vote in the precinct where the voter formerly resided;

if the voter makes an oral or a written affirmation as described in section 4 of this chapter of the voter's current residence address. However, a voter who moved outside of a municipality may not return to the precinct where the voter formerly resided to vote in a municipal election. A voter who moved from a location outside a municipality to a location within a municipality within thirty (30) days before a municipal primary election, municipal election, or special election held only within the municipality may not vote in the election in the precinct of the person's former residence.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

As added by P.L.12-1995, SEC.70. Amended by P.L.3-1995, SEC.92; P.L.176-1999, SEC.65.

IC 3-10-12-3.5

Affirmation must include voter identification number after December 31, 2005

Sec. 3.5. After December 31, 2005, the written affirmation described in section 3 of this chapter must include the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

As added by P.L.209-2003, SEC.104.

IC 3-10-12-4

Execution of written affirmation

Sec. 4. (a) The written affirmation described in section 3 of this chapter may be executed as follows:

(1) At the office of the circuit court clerk or the board of registration for the county of the precinct of the person's former residence, not later than 4 p.m. on the day before the election.

(2) Before the inspector of the precinct of the person's former residence, if the application and statement are executed on the day of the election.

(3) When the application for an absentee ballot is filed with the county election board of the county of the precinct of the person's former residence.

(b) If the person executes the affidavit under this section at the office of the circuit court clerk or board of registration before the day of the election, the clerk or board shall furnish a copy of the affirmation to the person. The person shall present the copy to the inspector of the precinct of the person's former residence when the person offers to vote in that precinct under IC 3-11-8.

(c) If the person executes the affirmation under this section when filing an application for an absentee ballot, the county election board shall attach the original or a copy of the affirmation to the person's application for an absentee ballot before the application and ballot are delivered to the inspector of the precinct of the person's former residence.

(d) If the person executes the affirmation under this section before the inspector of the precinct of the person's former residence on the day of the election, the inspector shall return the original affirmation to the circuit court clerk or board of registration after the closing of the polls.

As added by P.L.3-1995, SEC.93.